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REMARKS

Claims 1-10 and 21-30 are pending in this application. Applicant has cancelled Claims 11-20, without prejudice, Applicant has added new Claims 21-30, and Applicant has amended Claims 1-10. Applicant has amended Claims 1-10 so as to more clearly distinguish the present invention, as defined by Claims 1-10, over the prior art. Applicant respectfully submits that the newly added Claims 21-30 do not contain new matter. Applicant further submits that the amendments to each of Claims 1-10 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1-10 and 21-30, is patentable over the prior art.

Applicant has also deleted the Abstract of the Disclosure and has substituted therefor the new Abstract of the Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract of the Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

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I. DEFINITIONS:

Applicant uses the phrase "at least one of . . . and . . ." in certain of the claims. In all instances, the phrase "at least one of . . . and . . ." means only one item from the list, or any combination of items in the list.

Applicant respectfully submits that the phrase having the form "at least one of A and B", where each of A and B is either a term or a phrase, the phrase "at least one of A and B" means "only A, only B, or A and B". In instances in which three or more terms and/or phrases are present in an "at least one of . . . and . . ." phrase, Applicant provides the following example definitions: the phrase "at least one of A, B, and C" means "only A, only B, only C, or any combination of A, B, and C"; the phrase "at least one of A, B, C, and D" means "only A, only B, only C, only D, or any combination of A, B, C, and D"; the phrase "at least one of A, B, C, D, and E" means "only A, only B, only C, only D, only E, or any combination of A, B, C, D, and E", and so on.

For example, in Claim 1, the phrase "at least one of receiving, listening to, and participating in" means "only receiving, only listening to, only participating in, or any

combination of receiving, listening to, and participating
in".

Applicant respectfully submits that the above
definitions do not contain new matter. Support for the above
definitions can, for example, be found in the originally filed
Specification at page 30, line 8 to page 31, line 11.

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II. THE 35 U.S.C. §102 REJECTIONS:

The Examiner asserts that Claims 1-10 are rejected under 35 U.S.C. §102(e) "as being clearly anticipated by" Luth, et. al, U.S. Patent No. 6,446,044 (Luth).

As noted above, Applicant has cancelled Claims 11-20, without prejudice, Applicant has added new Claims 21-30, and Applicant has amended Claims 1-10. Applicant has amended Claims 1-10 so as to more clearly distinguish the present invention, as defined by Claims 1-10, over the prior art. Applicant respectfully submits that the newly added Claims 21-30 do not contain new matter. Applicant further submits that the amendments to each of Claims 1-10 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 1-10 and 21-30, is patentable over the prior art.

IIA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 1-10 AND 21-30, IS PATENTABLE OVER THE PRIOR ART:

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Applicant respectfully submits that the present invention, as defined by Claims 1-10 and 21-30, is patentable over the prior art. Applicant submits that the present invention, as defined by independent Claim 1, is patentable over the prior art.

Applicant submits that the present invention, as defined by independent Claim 1, is patentable over Luth. Applicant respectfully submits that Luth does not disclose or suggest an apparatus, comprising a memory device for storing at least one of individual information for at least one individual, individual telephone number information for at least one individual, and telemarketer information, and at least one of telemarketing call compensation information, telemarketing call reward information, telemarketing call information, and telemarketing call message information, and a processor, wherein the processor detects at least one of a telemarketing call being made to an individual, a telemarketing call being answered, and a telemarketing call message being provided to an individual, wherein the processor records information regarding telemarketing call information or telemarketing call message information

provided to the individual and information obtained from the individual in response to the telemarketing call or the telemarketing call message, and further wherein the processor at least one of calculates a compensation earned by the individual and determines a reward earned by the individual for the individual at least one of receiving, listening to, and participating in, the telemarketing call or the telemarketing call message, and further wherein the processor stores information regarding at least one of the compensation and the reward earned by the individual, all of which features are specifically recited features of independent Claim 1.

Applicant submits that Luth does not disclose or suggest the recited memory device for storing the recited at least one of individual information for at least one individual, individual telephone number information for at least one individual, and telemarketer information, and the recited at least one of telemarketing call compensation information, telemarketing call reward information, telemarketing call information, and telemarketing call message information.

Applicant further submits that Luth does not disclose or suggest the recited processor which detects the recited at least one of a telemarketing call being made to an individual, a telemarketing call being answered, and a telemarketing call message being provided to an individual, and which records the recited information regarding the recited telemarketing call information or the recited telemarketing call message information provided to the individual and the recited information obtained from the individual in response to the recited telemarketing call or the recited telemarketing call message. Applicant further submits that Luth does not disclose or suggest the recited processor which at least one of calculates the recited compensation earned by the individual and determines the recited reward earned by the individual for the individual at least one of receiving, listening to, and participating in, the recited telemarketing call or the recited telemarketing call message, and which stores the recited information regarding the recited at least one of the compensation and the reward earned by the individual.

Applicant further submits that Luth does not disclose or suggest at least one of an output device for outputting information regarding the at least one of the compensation

and the reward earned by the individual, and a transmitter for transmitting information regarding the at least one of the compensation and the reward earned by the individual to a communication device associated with the individual, all of which features are still other specifically recited features of independent Claim 1.

Applicant submits that Luth does not disclose or suggest the recited at least one of an output device for outputting the recited information regarding the at least one of the compensation and the reward earned by the individual, and the recited transmitter for transmitting the recited information regarding the at least one of the compensation and the reward earned by the individual to the recited communication device associated with the individual.

In view of the foregoing, Applicant respectfully submits that Luth does not disclose or suggest many of the specifically recited features of independent Claim 1. In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over Luth.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 1, is patentable over the prior art. Applicant further submits that Claims 2-10 and 21-30, which Claims depend directly from independent Claim 1, are also patentable as said Claims 2-10 and 21-30 depend from allowable subject matter.

Allowance of pending Claims 1-10 and 21-30 is, therefore, respectfully requested.

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III. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 1-10 and 21-30 is, therefore, respectfully requested.

Respectfully Submitted,



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Encl.: - Abstract of the Disclosure

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